

IOWA LEGISLATIVE INTERIM CALENDAR AND BRIEFING

Serving the Iowa Legislature

October 30, 2013

2013 Interim No. 9

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- Mental Health and Disability Services Redesign Fiscal Viability Study Committee (10/22/13)
- Public Retirement Systems Committee (10/23/13)

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Tuesday, November 5, 2013

Administrative Costs in Higher Education Study Committee

10:00 a.m., Committee Room 116, Statehouse

Wednesday, November 6, and Thursday, November 7, 2013

Emergency Medical Services Study Committee

10:00 a.m., Wednesday; 9:00 a.m., Thursday, Committee Room 116, Statehouse

Thursday, November 7, 2013

Legislative Fiscal Committee

9:30 a.m.-3:00 p.m., Iowa Central Community College East Campus, Fort Dodge, IA

Friday, November 8, 2013

Administrative Rules Review Committee

9:30 a.m., Committee Room 116, Statehouse

Thursday, November 14, 2013

Elder Abuse Prevention and Intervention Study Committee

Time to be announced, Room 103, Supreme Court Chamber, Statehouse

Tuesday, November 19, 2013

Iowa Skilled Worker and Job Creation Fund Study Committee

Time to be announced, Room 116, Statehouse

Tuesday, November 19, and Wednesday, November 20, 2013

Integrated Health Care Models and Multi-payer Delivery Systems Study Committee

Times to be announced, Room 103, Supreme Court Chamber, Statehouse

Wednesday, December 4, 2013

Legislative Tax Expenditure Committee

9:00 a.m., Room 103, Supreme Court Chamber, Statehouse

Iowa Legislative Interim Calendar and Briefing is published by the Legal Services Division of the Legislative Services Agency (LSA). For additional information, contact: LSA at (515) 281-3566.



Serving the Iowa Legislature

AGENDAS

INFORMATION REGARDING SCHEDULED MEETINGS

Administrative Costs in Higher Education Study Committee

Temporary Co-chairperson: Senator Rita Hart

Temporary Co-chairperson: Representative Greg Forristall

Location: Room 116, Statehouse

Date & Time: Tuesday, November 5, 2013, 10:00 a.m.

Contact Persons: Kathy Hanlon, Legal Services, (515) 281-3847; Jack Ewing, Legal Services, (515) 281-6048; Michael

Duster, Legal Services, (515) 281-4800.

Tentative Agenda: Presentations concerning administrative costs and mandatory fees in higher education from public

and private postsecondary educational institutions.

Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=927

Emergency Medical Services Study Committee

Temporary Co-chairperson: Senator Mary Jo Wilhelm Temporary Co-chairperson: Representative Ralph C. Watts

Location: Room 116, Statehouse

Dates & Times: Wednesday, November 6, 2013, 10:00 a.m., and Thursday, November 7, 2013, at 9:00 a.m.

Contact Persons: Nicole Hoffman, Legal Services, (515) 281-6329; Michael Duster, Legal Services, (515) 281-4800;

Amber DeSmet, Legal Services, (515) 281-3745.

Tentative Agenda: Published at: https://www.legis.iowa.gov/DOCS/LSA/IntComAgen/2014/IANMN000.PDF

Internet Page: https://www.legis.jowa.gov/Schedules/committee.aspx?GA=85&CID=929

Legislative Fiscal Committee

Co-chairperson: Senator Robert E. Dvorsky
Co-chairperson: Representative Chuck Soderberg

Location: Iowa Central Community College East Campus, Fort Dodge, Iowa

Date & Time: Thursday, November 7, 2013, 9:30 a.m.-3:00 p.m.

Contact Persons: Dave Reynolds, Fiscal Services, (515) 281-6934; Mary Shipman, Fiscal Services, (515) 281-4617; Tim

McDermott, Legal Services, (515) 281-8090.

Tentative Agenda: Presentations and updates concerning the Statewide Interoperable Communications (law enforcement and emergency communications) Systems Board, Iowa Insurance Exchange implementation, replacement of state payroll and human resources management information systems, state general fund revenue estimates, and the state community college system.

Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=46

Administrative Rules Review Committee

Chairperson: Representative Dawn Pettengill Vice Chairperson: Senator Wally Horn

Location: Room 116, Statehouse

Date & Time: Friday, November 8, 2013, 9:30 a.m.

Contact Persons: Joe Royce, LSA Counsel, (515) 281-3084; Jack Ewing, LSA Counsel, (515) 281-6048.

Agenda: Published in the Iowa Administrative Bulletin:

https://www.legis.iowa.gov/lowaLaw/AdminCode/bulletinSupplementListing.aspx
Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=53

Elder Abuse Prevention and Intervention Study Committee

Temporary Co-chairperson: Senator Mary Jo Wilhelm Temporary Co-chairperson: Representative Julian Garrett Location: Room 103, Supreme Court Chamber, Statehouse

Date & Time: Thursday, November 14, 2013, Time to be announced.

Contact Persons: Patty Funaro, Legal Services, (515) 281-3040; Rachele Hjelmaas, Legal Services, (515) 281-8127;

Amber DeSmet, Legal Services, (515) 281-3745.

Tentative Agenda: Consider report of the Task Force on Elder Abuse Prevention and Intervention convened by the Department on Aging and make recommendations.

Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=923



INFORMATION REGARDING RECENT ACTIVITIES

MENTAL HEALTH AND DISABILITY SERVICES REDESIGN FISCAL VIABILITY STUDY COMMITTEE

October 22, 2013

Co-chairperson: Senator Joe Bolkcom

Co-chairperson: Representative David Heaton

Background. The Mental Health and Disability Services (MH/DS) Redesign Fiscal Viability Study Committee was created by the Legislative Council for the 2012 Interim and was continued for the 2013 Interim and charged to analyze the fiscal viability of the mental health and disability services redesign provisions enacted in the 2012 Legislative Session. In addition, for 2013 the committee was charged to propose a permanent approach for state, county, and regional financing of the redesign and to identify cost savings that may be realized by working with community-based corrections and others that address common needs for affected populations. Also, the committee is to study the repayment or "clawback" requirements for counties relating to the expanded health care coverage enacted in 2013 as part of the lowa Health and Wellness Plan. The committee elected Senator Bolkcom and Representative Heaton as permanent cochairpersons, approved minutes and the final report from the 2012 Interim, and received updates and testimony on the status of the redesign.

Mental Health and Disabilities Workforce Workgroup. Dr. Mariannette Miller-Meeks, Director of Public Health, presented draft recommendations from the workgroup which began meeting in 2012 and is required to submit a final report by December 16, 2013. The recommendations include the following: improve the mental health and disabilities training of primary care doctors and other primary care providers; develop a systems approach and incent the use of a team to improve treatment services, monitoring, and case management of those with mental illness or with co-occurring mental illness or substance use disorders; review licensing and credentialing eligibility criteria; plan immediately for provider service needs over the next 20 years; and identify and implement strategies to fix system problems that inhibit the production of service providers. There was significant discussion from members concerning the system needs for mid-level and unregulated service providers in addition to licensed primary care professionals, and regarding the role of higher education and training requirements for various professionals.

Historical Discussion. Mr. John Pollak, Legal Services Division, and Mr. Jess Benson, Fiscal Services Division, Legislative Services Agency (LSA), provided historical and funding information on the broad policy changes made by the General Assembly during the past 20 years, leading to the most recent redesign enacted in 2012. From a financial standpoint, the transfer from the counties to the state of the responsibility to pay the nonfederal share of Medicaid program costs for MH/DS and the end of tax relief and system growth payments to counties has been very significant. The cost of this responsibility for FY 2013-2014 is estimated to exceed \$250 million. A significant reason for the increases in lowa's Medicaid expenditures is that the relative economic health of lowa compared to other states has resulted in a reduction of nearly 7 percent and points in the federal share provided to the state for the Medicaid program.

Status of Redesign Panel. This panel consisted of Mr. Rick Shults and Ms. Jean Slaybaugh, Department of Human Services (DHS), Mr. Russell Wood, Administrator, Franklin County, Central Point of Coordination (CPC), Mr. Rod Sullivan, Johnson County Supervisor, Ms. Linda Hinton, Iowa State Association of Counties (ISAC), and Mr. Benson. The panel distributed material and responded to questions concerning the current county groupings to form regions under the redesign, Transition Fund expenditures to maintain service levels in FY 2012-2013, the status of unpaid Medicaid and other bills owed to the state by counties, the listings of services comprising the core services to be implemented during FY 2014-2015 and "core plus" services which may be implemented as funding is made available by the state, the status of the per capita funding to equalize funding between counties, the status of the change in the process to determine government responsibility for an individual's MH/DS funding from an approach based upon legal settlement to residency, and other concerns. The discussion included the following points:

- Jefferson County in southeast Iowa has appealed the DHS decision denying the county's request to be exempted
 from the requirement to enter a regional service system. The administrative law judge is expected to issue a decision soon. All other counties have either been approved to participate in a region or for an exemption (Polk County).
- On the issue of counties that have unpaid Medicaid or other unpaid balances owed to the state, the balance of \$32.2 million owed at the end of May 2013 has been reduced to \$5.8 million.
- A number of counties have not received equalization payments because they had not agreed to a payment plan for an unpaid balance. These counties also owe more than they will receive in equalization. Several had requested a quarterly payment plan and the co-chairs asked DHS to be very flexible in working with the counties on payment plans.



INFORMATION REGARDING RECENT ACTIVITIES

(Mental Health and Disability Services Redesign Fiscal Viability Study Committee continued from Page 3)

- Forty-four counties do not receive any amount of equalization payment because their capped property tax levies are equal to or exceed their total authorized per capita expenditures.
- Concerns were expressed that one of the ideas in redesign is that persons currently receiving services should not
 lose them. Language in core services rules authorizes persons who are not in the mental health or intellectual disability services populations to continue receiving services, provided funds are available to do so without limiting or
 reducing core services.
- It was clarified that the current DHS budget proposals for FY 2014-2015 do not include funding to support core or core plus services. Advanced crisis intervention approaches such as the use of mobile crisis teams would be classified as a core plus service and are not required without new funding.
- There is uncertainty as to how the new lowa Health and Wellness Plan will impact the regional system and DHS
 believes counties are best situated to estimate the impact. There were many questions regarding how DHS will
 calculate the effect of this impact on a regional system as these calculations are to be used in the coming years to
 require counties to pay back a portion to the state or reduce property taxes (known as a clawback provision). It was
 suggested that the clawback should be changed, delayed, or eliminated until more is known about the effects on
 services.
- With the change from legal settlement to residency, adjustments may be needed to address the status of children, out-of-state persons who present for services, services provided in the dual diagnosis program at Mount Pleasant State Mental Health Institute, the status of homeless persons, and the attraction of new residents to "service rich" counties.
- Implementation and funding of a subacute level of care continues to be a significant need. Rules are being developed in a manner so that the services will meet requirements for Medicaid funding.
- · Policymakers need better data to make decisions.
- Data on brain injury services was provided showing that over 800 persons are on the state waiting list for the Medicaid brain injury services waiver and have been on the list for more than 18 months. Supplemental funding was requested for the 2014 Legislative Session to address this waiting list. Several suggestions were made to strengthen language for the regional system to provide services to persons with brain injury and to persons with a developmental disability other than intellectual disability.
- It was suggested that since the county-based MH/DS system has been under significant stress with major annual
 changes, the system be allowed time to adjust to the existing changes before new major changes are added. It
 was also noted that the statutory budget requirements provide for county budgets to be finalized by March, far
 ahead of when it is known what the state budget will be.

Integration with Medicaid. This panel included Ms. Jennifer Vermeer, DHS Medicaid Director, Ms. Maria Montanaro, CEO, Magellan Behavioral Health of Iowa, Mr. Jim Rixner, Executive Director, Siouxland Mental Health Center, Mr. Lynn Ferrell, Executive Director, Polk County Health Services, Ms. Hinton, and Mr. Shults. The panel focused on new health coverage options being implemented as the Iowa Health and Wellness Plan under the federal Affordable Care Act, which expands and coordinates health coverage of low-income persons through the Medicaid program and on the phase-in under Medicaid of integrated health homes for children with serious emotional disturbances and adults with mental illness by the managed care contractor, Magellan. The discussion included the following points:

- One chart compared benefits under the traditional Medicaid program with the private health insurance coverage under the new Iowa Health and Wellness Plan for individuals with income at or below 100 percent of the federal poverty level (FPL). Before the federal expansion most individuals at such income level would only have been eligible for Medicaid while children were in the family and under the Iowa Marketplace Choice Plan for individuals with an income between 101 and 138 percent of FPL. Under the overall approach, persons with an income below 138 percent of FPL with various serious conditions who are determined to be medically exempt will be eligible for benefits under the traditional Medicaid program. Under federal requirements, the medically exempt status is referred to as "medically frail" and, among other health conditions, applies to persons with various serious mental health conditions, intellectual or developmental disabilities, or substance use disorders. A scoring system is applied to determine if the condition is serious enough to justify the exemption.
- Iowa Medicaid is implementing strategies to identify medically exempt individuals at enrollment, by referral, and through retrospective claims analysis.



INFORMATION REGARDING RECENT ACTIVITIES

(Mental Health and Disability Services Redesign Fiscal Viability Study Committee continued from Page 4)

- Concerns were raised about insurance copayment requirements creating a barrier to services. However, copayments are not required under the lowa Health and Wellness Plan for the services of concern. Insurance regulation should determine whether insurance practices for credentialing service providers creates barriers to providing coverage under the private health insurance plans.
- Iowa Medicaid is automatically enrolling the 63,000 persons who are currently enrolled in the IowaCare Program that is being replaced by the new plan. Individuals can claim a hardship exemption to premium requirements and the exemption is similar to the one under IowaCare.
- Phase 1 of implementation of the integrated health home approach began in several major cities on July 1, phase 2 will cover other areas in spring 2014, and phase 3 will cover the rest of the state beginning July 1, 2014. The approach uses a team of care coordinators and peer support specialists led by a nurse care coordinator.
- There is a need for adequate administrative support of teams. The enhanced level of support from the hospitals as
 part of the health home approach implemented in Sioux City has enabled the hiring of a new psychiatrist, and early
 outcome data from pilot projects indicates reductions in the usage of the acute level of treatment.
- A county representative offered a number of questions about how low-income persons will engage with the new
 lowa Health and Wellness Plan and the potential effects on regional MH/DS, initial performance issues with implementation of the integrated health homes, and limitations on county access to service information on common clients when the state assumed payment responsibility for the Medicaid services provided to those clients.

Residential Care Facilities (RCFs) and Work Activity Programs. This panel consisted of Mr. Dan Strellner, Abbe Center, Cedar Rapids, Mr. Terry Johnson, CEO, Genesis Development, Mr. John Severtson, CEO, Opportunity Village, Clear Lake, Mr. Barry Whitsell, CEO, Village Northwest Unlimited, Ms. Lynn Bopes, CPC, Jackson County, Ms. Sharon Nieman, CPC, Plymouth County, Ms. Shelly Chandler, Iowa Association of Community Providers (IACP), Ms. Hinton, and Mr. Shults. Panel discussion included the following:

- RCFs with more than 16 beds generally do not qualify for coverage under the Medicaid program and neither do sheltered work programs. At present, there is a lot of pressure for both services to be modified to qualify for Medicaid. Providers need time and assistance with capital funding to convert or develop residential settings that qualify for support under Medicaid. Presenters provided a number of examples of the costs associated with such conversions or developments.
- Providers noted that persons with mental illness or a developmental disability often have different residential needs
 and are eligible for different funding streams so that thoughtful, long-term planning is needed to match funding
 streams with needs.
- As for work activity, especially sheltered work, it was noted that these services are not prohibited for coverage under the regional system. However, some panelists advocated for including these services as specific core services so they are not crowded out by other core services and provided specific examples of this effect. There was much discussion regarding the value of work in providing meaning and purpose to persons' lives.
- Other panelists noted the positive effects of recent efforts by the Vocational Rehabilitation Division of the Department of Education in realigning incentives for providers of work activity programs to MH/DS populations.

Public Comment. Individual commenters offered a new approach to identifying mental illnesses, emphasized the importance of more than 30,000 workers who do not have licenses or certifications but provide necessary MH/DS, deplored the effects of redesign in some areas in cutting or reducing services, and supported moving ahead with redesign but ensuring the adequacy of funding and services.

Next Meeting. The next meeting is scheduled for Tuesday, December 17, 2013, and will focus on fiscal issues.

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Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=849



PUBLIC RETIREMENT SYSTEMS COMMITTEE

October 23, 2013

Co-chairperson: Senator Thomas G. Courtney **Co-chairperson:** Representative Dawn E. Pettengill

Overview. The Public Retirement Systems Committee received testimony from various organizations and individuals concerned with the financial aspects of public pension systems and the Municipal Fire and Police Retirement System. The next meeting of the committee will be December 11, 2013, when the other public pension systems in the state will be reviewed.

Pension Retirement Systems Overview. Mr. Ed Cook, Senior Legal Counsel, Legislative Services Agency, reviewed information provided on the committee Internet site, the public retirement systems that are the focus of the committee, and the important role legislators play relative to the public retirement systems in the state. Mr. Cook discussed key retirement concepts such as retirement benefit adequacy and funding policy.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS) AND GOVERNMENTAL ACCOUNTING STAND-ARDS BOARD (GASB). IPERS Staff. Ms. Donna Mueller, Chief Executive Officer, IPERS, provided an overview of IPERS, described the general financial condition of the system, and discussed the impact of the recent GASB changes on pension fund reporting requirements. Ms. Mueller provided a historical perspective on the financial status of the plan, reviewing long-term historical investment returns of the system as well as contribution rates. The current unfunded actuarial liability of the system had its genesis in the late 1990s and early 2000s when the system used fund assets to provide for a nonguaranteed favorable experience dividend payment to certain retirees, adjusted the mortality tables used by the system, and experienced investment losses relating to the end of the "technology bubble." As a result of this "perfect storm," the unfunded liability of the system increased while contribution rates were not adjusted until later in the 2000s. After the recession in FY 2008-2009, the General Assembly adopted a series of changes in 2010 that increased contribution rates while reducing benefits for current and future members of the system.

Ms. Mueller then discussed the impact on IPERS and employers covered by IPERS of the GASB changes relative to public defined benefit plans. GASB sets accounting standards for governmental pension plans and covers employers who report using generally accepted accounting principles (GAAP) accounting. The changes break the link between actuarial funding and financial accounting so that instead of focusing on whether an employer is paying the actuarially required contribution rate to a retirement plan, employers are required to report a share of the plan's net pension liability, similar to unfunded actuarial liability, on their balance sheet. One aspect of the change is requiring pension systems to utilize a blended discount rate in calculating the net pension liability of a system if projected net assets are not sufficient to cover projected benefit payments. Based on the 2012 actuarial valuation, IPERS will not have to use the blended rate. Still, the net pension liability will be recalculated each year, and employers using GAAP accounting will be required to report their share of this liability beginning with fiscal years starting after June 15, 2014.

Ms. Mueller then discussed other pension systems that have recently experienced problems and compared those systems to IPERS. She noted that most of the pension systems in trouble were caused by a combination of significant underfunding, rich benefits, and the diversion of pension assets to pay for retiree health care. She noted that none of these factors are applicable to IPERS. Ms. Mueller further commented that long-term investment returns for IPERS have exceeded the current investment return assumption of 7.5 percent and that state and local government spending on pension systems in lowa based on 2010 U.S. Census Bureau information is only 1.73 percent of total spending.

Pension Funding. Ms. Gretchen Tegeler, Executive Director, Taxpayers Association of Central Iowa, addressed the committee concerning funding concerns relative to the public pension systems in Iowa, and in particular, the Municipal Fire and Police Retirement System of Iowa (MFPRSI). She noted that the goal of the association is to insure pension plans give the best value for the dollar by balancing the needs of public employees with the needs of the community. As it relates to MFPRSI, she noted that pension costs for MFPRSI-covered cities are significant and are putting pressure on city budgets and property tax rates. In addition, Ms. Tegeler noted that the GASB requirement for cities to report net pension liabilities as well as the recent focus of credit rating agencies on pension liabilities could negatively impact cities. Ms. Tegeler then compared certain health and pension costs associated with police officers and fire fighters under the protection occupation category of IPERS and those under MFPRSI. Ms. Tegeler concluded that it is important that current pension promises be kept, but prospective changes may need to be made to ensure the financial viability of the pension plans. She noted that a comprehensive review of all of Iowa's public pension systems' goals and structures is needed while the situation is still manageable.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA (MFPRSI). MFPRSI Staff. Mr. Terry Slattery, Executive Director, MFPRSI, and Mr. Glen Gahan, Actuary, Silverstone Group, provided background information con-



INFORMATION REGARDING RECENT ACTIVITIES

(Public Retirement Systems Committee continued from Page 6)

cerning the retirement system. Mr. Slattery reviewed the goals of the system and noted that the source of the system's existing unfunded liability is the market downturns of 2007 and 2008. He noted that the system is undergoing an asset/liability review to improve the risk/return performance of portfolio assets. Mr. Slattery noted that the annualized return of system assets since the inception of the combined system in 1992 is 7.65 percent, in excess of the current 7.5 percent investment return assumption. Based on the most recent actuarial valuation of the system for the fiscal year ending June 30, 2013, the funded status of the system is 74 percent and, based on deferred investment gains of around \$100 million, the funded ratio should improve in the coming years. Mr. Slattery noted that the MFPRSI Board of Trustees is currently developing a funding policy with the goal of fully funding the system over a 25-year period using a steady contribution rate. Mr. Gahan discussed future trends in the actuarial contribution rate to be paid by cities over the next 25 years using current assumptions. After the city contribution rate increases to 30.41 percent for the fiscal year beginning July 1, 2014, city contribution rates in future years will steadily decline, assuming actuarial assumptions are met.

lowa League of Cities. Mr. Scott Saunders, MFPRSI board member and Finance Director, City of Des Moines, Mr. Jon Burmeister, PFM Group, Mayor Tom Hanafan, City of Council Bluffs, and Mr. Mike Schrock, City Manager, City of Oskaloosa, addressed the committee. Mr. Saunders discussed recent activities of the board in conducting an asset/liability study and in developing a funding strategy to eliminate the system's unfunded liability. Mr. Burmeister discussed the impact of GASB and the increasing focus of credit rating agencies on city pension liabilities. He noted that a key focus for credit rating agencies as it relates to a city's pension system is whether a commitment to funding exists, the investment performance and trends of the pension system, pension affordability for the city, efforts to sustain the system, and level of pension contribution. Mr. Hanafan and Mr. Schrock discussed the impact of increasing pension costs on their cities, noting that increased costs have made it more difficult to provide needed services to citizens. Both expressed a desire that a stronger partnership between the state, cities, and employees be forged as it relates to pension funding. In particular, they noted that the state contribution to the system should be restored.

lowa State Police Association and lowa Professional Fire Fighters. Mr. Don Cougill, trustee, lowa Professional Fire Fighters, and Mr. Eric Snyder, President, lowa State Police Association, addressed the committee. The associations believe that the system is working as designed, is managed well, and is sustainable without any changes. In particular, they noted a 2012 report by two Maryland think tanks that lists the MFPRSI as one of the top 10 performing public pension funds across the country over the past 10 years. The associations noted that members are not covered by Social Security for their service and that the system is unique in providing retirement, disability, workers' compensation, and death benefits to members. The associations also requested that the state restore its funding partnership with the system, noting that the services provided by police officers and fire fighters covered by MFPRSI provide a benefit to the entire state. They stated that the MFPRSI system is strong, healthy, unique, sound, and sustainable, and created for those who serve and protect the public.

Next Meeting. The next meeting of the committee is scheduled for December 11, 2013.

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Internet Page: https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=57